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SIPDIS

SENSITIVE

STATE FOR EB/TRA (BYERLY) AND EUR/WE

FAA FOR DLAVIN, API-1 LMULLIKIN/AMOORE, AIA-300 JBALLOUGH,
MDANIELS, AFS-50

E.O. 12958: N/A

TAGS: [BAIR](#) [ECON](#) [FR](#)

SUBJECT: CIVAIR: DGAC RESPONSE TO U.S. CARRIER OPERATIONS IN
FRENCH TERRITORIES

REF: A) STATE 270779

B) MERTEN-WALKLET TELCONS, EMAILS 9 DEC 04 AND SUBS.

1. (SBU) SUMMARY: While remaining firm in their request to eight U.S. carriers, operating under FAR 135 (commuter and on-demand operations) in French Caribbean territories to supply documentation supporting their requests for "revalidation of any non-scheduled flight authorizations," French aviation officials have expressed their willingness to work with the U.S. carriers to try to avoid any interruption in service. Indeed they have already reviewed and issued licenses to at least one of the carriers that had quickly moved to pull together the required paperwork. Nevertheless, the officials insist that U.S. carriers operating in the area make a good faith effort in producing the requested documentation. END SUMMARY.

BACKGROUND

2. (SBU) On 7 December, Econ Chief was contacted by representatives of Air Culebra, who alerted him to "ridiculous" demands which were being put on the carrier by representatives of the DGAC (French Civil Aviation Authority). According to a letter to the operators from DGAC regional office for the French Antilles and French Guyana, "following numerous incidents and accidents involving FAR 135 operators, the French Civil Aviation Authority (DGAC) has decided to set up an a priori control of these operators...compliance with ICAO Annex 6 part 1 will be checked before issuing or revalidating any non-scheduled flight authorization."

3. (SBU) The Air Culebra rep said his carrier and other "FAR 135 operators" were being singled out for these demands in response to the FAA's refusal to re-license a French carrier based in St. Barthelemy earlier in 2004. The Air Culebra rep subsequently sent a copy of the communication he had received from DGAC rep Franck Chong-Wa, based in Pointe-a-Pitre, Martinique, and telephoned on 8 December (and several times thereafter) to press for Embassy intervention with DGAC. On 9 December, Econ Chief discussed the issue with Embassy Paris FAA representative who in turn started a dialogue with appropriate organizations within the FAA Washington D.C. and regional offices. Econ Chief counseled the Air Culebra reps to contact the FAA regional office in Atlanta, which has responsibility for the FAR 135 operators in the Caribbean, and make their concerns known. He also worked with Embassy Paris FAA rep to confirm that the DGAC's demands were consistent with the U.S.-France aviation agreement and to see whether French officials would agree to try to avoid an interruption in service.

4. (SBU) In response to the series of calls from Air Culebra and to refs. A and B, Embassy FAA rep contacted Maxime Coffin, DGAC, Head of Service, Technical Regulations, Safety Oversight, and Crew Training and Luc Lapene, DGAC, Deputy Head of Multilateral Affairs. As a result of several exchanges with the DGAC officials, Embassy FAA rep learned from Coffin that Jean Marc Sansovini, DGAC, Regional Director of the French Antilles and Guyana, (based in Martinique) was aware of the Air Culebra case. Coffin reported that Sansovini promised to do whatever he could to try to ensure that the companies would not be "penalized" by being forced to interrupt their service. Nevertheless, Coffin added, the companies concerned needed to demonstrate that they were attempting to comply with the DGAC's requests for information. The DGAC indicated that another 135 carrier in receipt of the DGAC letter had already submitted their documentation with a review time of approximately one month. DGAC could not provide a specific timetable for DGAC's investigation for each operator, but again emphasized that they would conduct their review in such a manner so as to not penalize the operator's service.

5. (SBU) On 23 and 27 December, Econ Chief telephoned Air Culebra's offices to speak with the rep that had insisted on Embassy intervention. On both occasions there was no

response and Econ Chief left a message requesting that an Air Culebra official call back to confirm that they were working to pull together the documents requested by the DGAC. On 28 December, Air Culebra rep contacted the Econ Chief's office and stated that they had sent a letter to the DGAC requesting an extension of two weeks for full submittal of the requested documentation. He said the airline had compiled all the required paperwork with the exception of the ICAO compliance letter. He said it would be impossible for them to get that letter prepared before the first week of January 2005.

COMMENT:

16. (SBU) In April 2004, the FAA requested the DGAC provide a review of the aviation safety oversight provided in the Departments of Guadeloupe and French Polynesia to determine whether it met minimum international standards established by ICAO. A 14 September meeting in Paris resulted in a successful resolution to the request for a specific review of the DGAC's safety oversight in the DOMs and TOMs (Departements d'Outre Mer and Territoires d'Outre Mer). However, during this meeting the subject of N registered aircraft operating under FAR 135 in the French Territories was also discussed. The DGAC noted that these aircraft appear to operate primarily in the French territories and rarely return back to the United States. In effect, these operations could constitute seventh freedom passenger services which are not provided for in the U.S.- France open skies agreement. DGAC reps expressed concern about the lack of oversight of these operators since they were "U.S.-based" FAR 135 operators. At this meeting FAA emphasized that DGAC had the authority over these operators in their territory, just as the FAA has authority of foreign operators when they are in the U.S. or U.S. territories. The recent request by DGAC for information to revalidate the nonscheduled flight authorizations appears to be a direct result of the discussions which occurred in September.
WOLFF